

**SUMMARY MINUTES**

**REGULAR COUNCIL MEETING**

**February 28, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, February 28, 2012, beginning at 7:08 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: [www.northmiamifl.gov](http://www.northmiamifl.gov)

Flag salute led by Chief Marc Elias, Jr.

Inspirational Message

- ◆ Rabbi Jory Lang, Temple Beth Moshe

**ROLL CALL**

Councilwoman Steril	Here
Councilman Galvin	Here
Mayor Pierre	Here
Vice Mayor Marcellus	Here
Councilman Blynn	Here

**Additions, Deletions or Withdrawals**

Tab D, deleted  
Tab M, deleted, see after Consent Agenda

**SPECIAL PRESENTATION(s)**

- ◆ Recognition of the *North Miami PAL Boxing Champions*

Mayor Pierre recognized Officer Cherry and Officer Stuart, recognizing winners of the boxing championship. Officer Stuart gave a brief report to Council.

- ◆ Recognition of the *City Attorney Selection Committee*

Mayor Pierre recognized Hans Ottinot, Chairman of the City Attorney Selection Committee and City Attorney Selection Committee members with plaques.

- ◆ Recognition of the *North Miami Police Motor Unit*

Mayor Pierre recognized Chief Elias, recognizing officers of the North Miami Police Motor Unit.

- ◆ Presentation from *Florida Water & Pollution Control* recognizing the *City of North Miami* with the “Utility of the Year” award

Mayor Pierre recognized Rene Moticker, Vice Chairperson for the *Florida Water Pollution Control Operators Association*. Ms. Moticker gave a brief report to Council

- ◆ Youth Opportunity Board Awards by *Heather Holliday, YOB Chairperson*

Mayor Pierre recognized Heather Holliday, YOB Chairperson, along with Michael Holliday and Maxine Haber presenting recognition awards to students and educators.

- Bill Carr Youth Recognition

Ms. Holliday presented Bill Carr Youth Recognition Awards to North Miami students showing good citizenship, grade levels K-12, receiving a Barnes and Noble gift certificate and a City Council Award Certificate awarded to Eric Fishels, Arch Bishop Curly/Notre Dame High School; Lusca Gaston, North Miami Senior High School; Jordan Johnson, North Miami Elementary School; Jerry Pierre, Alonzo and Tracy Mourning High School; and Max Dejour, Arch Creek Elementary School.

- Educator Recognition

Ms. Holliday also presented Educator Recognition Awards to: Grace Bird, Benjamin Franklin K-8 Center (not present); Giovanni Clark, North Miami Elementary School; Taylor Deutch, North Miami Senior High School; Marie Duga, Arch Creek Elementary School; Dr. Mark Godfried, Alonzo and Tracy Mourning High School; and Jesus Valadorius, David Lawrence K-8.

**CONSENT AGENDA**

**TAB A - APPROVAL OF MINUTES**

– Regular Council Meeting – February 14, 2012

**TAB B – PROPOSED RESOLUTION ADOPTING THE CITY’S FIVE-YEAR CAPITAL IMPROVEMENT PLAN COMMENCING IN FISCAL YEAR 2011-12 AND ENDING IN FISCAL YEAR 2015-16 BASED UPON THE RECOMMENDATIONS OF THE PLANNING COMMISSION**

**TAB C – PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS FOR THE RE-APPROPRIATION OF PRIOR YEARS SURPLUS BALANCES TO THE CURRENT FISCAL YEAR, TO INCLUDE AN INCREASE OF FORTY-EIGHT THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$48,575.00) TO THE JUSTICE ASSISTANCE GRANT FUND (JAG), AND AN INCREASE OF FOURTEEN THOUSAND TWO HUNDRED TWO DOLLARS AND NO CENTS (\$14,202.00) TO THE STATE HOUSING INITIATIVE PROGRAM FUND (SHIP)**

**TAB D – PROPOSED RESOLUTION RATIFYING THE AMENDMENT TO FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF PROCEEDS FROM UNANTICIPATED DONATIONS RECEIVED IN THE AMOUNT OF FOURTEEN THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS AND NO CENTS (\$14,525.00)**

Mayor and Council deleted Tab D, no action taken.

**TAB E - PROPOSED RESOLUTION RATIFYING THE AMENDMENT TO FISCAL YEAR 2011-2012 ADOPTED REVENUE AND EXPENSE BUDGETS TO INCLUDE THE RECEIPT AND APPROPRIATION OF GRANT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, IN THE AMOUNT OF FIFTY-SEVEN THOUSAND TWO HUNDRED TWENTY DOLLARS AND NO CENTS (\$57,220.00)**

**TAB F - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT CONVEYANCE OF A RIGHT-OF-WAY DEED, IN SUBSTANTIALLY THE ATTACHED FORM, FOR THE**



**DEDICATION OF A TWENTY-FOOT (20) WIDE ALLEWAY SOUTH OF N.E. 123 STREET FOR PUBLIC ACCESS, AND AUTHORIZING THE RECORDATION OF SAID DEED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA**

**TAB G - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A RENEWAL AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND TYLER TECHNOLOGIES, INC., TO CONTINUE TO PROVIDE THE CITY WITH SERVICES TO THE ENTERPRISE WIDE SOFTWARE SYSTEM**

**TAB H – PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND YOUTH EDUCATION THROUGH SPORTS, INC., TO FACILITATE COMMUNITY SERVICE INITIATIVES FOR THE BENEFIT OF ALL SENIOR CITIZENS AND RESIDENTS OF THE CITY OF NORTH MIAMI**

**TAB I – RECOMMENDATION TO NAME ARTURO ALVAREZ, ESQ. TO NORTH MIAMI CITIZENS’ HALL OF FAME**

Mayor and Council deleted Tab D, no action taken.

Mayor and Council pulled Tab F, for discussion. Council discussion. Stephen Johnson, City Manager directed Maxine Calloway, Community Planning & Development Director, to give a brief report to Council. Mayor Pierre placed Tab F, back into the Consent Agenda.

Vice Mayor Marcellus moved to approve the Consent Agenda, Tabs A through I, minus Tab D seconded by Mayor Pierre; passed unanimously.

**Additions, Deletions or Withdrawals**

Tab M, Council discussion. Mr. Johnson gave a brief report to Council. Mr. Swerdlow gave a brief report to Council. Councilman Galvin moved to hear Tab M as listed on the Agenda, seconded by Councilman Blynn; failed 2-2, by roll call vote. Mayor Pierre and Vice Mayor Marcellus voted no; Councilwoman Steril away from the dais.

**PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND**



USE ITEMS, ETC.

LEGISLATIVE MATTERS

RESOLUTIONS

**TAB J - PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH THE CITY ATTORNEY, IN SUBSTANTIALLY THE ATTACHED FORM; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE AGREEMENT**

Michael A. Etienne, Esquire, City Clerk, read the Resolution title for the record. Public discussion. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; for discussion. Council discussion. Roland Galdos, Interim City Attorney gave a brief report to Council regarding the contract. Vice Mayor Marcellus moved to amending the Resolution to conform to the previous contract of 30-days notice instead of 90-days as written in the current contract. Council discussion. Vice Mayor Marcellus withdrew the amendment to the Resolution to accept the contract as written.

Council voted; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

**TAB K - PROPOSED RESOLUTION APPROVING THE EXECUTION OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER**

Mr. Etienne read the Resolution title for the record. Vice Mayor Marcellus moved to approve the Resolution, seconded by Mayor Pierre; for discussion. Public discussion. Council discussion. Council voted; passed unanimously, by roll call vote.

**TAB L - RESOLUTION AUTHORIZING THE APPOINTMENT OF PATRICIA SAINTVIL-JOSEPH AS SPECIAL MAGISTRATE FOR CODE ENFORCEMENT PROCEEDINGS AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF AGREEMENT WITH THE SPECIAL MAGISTRATE, IN SUBSTANTIALLY THE ATTACHED FORM**

Mr. Etienne read the Resolution title for the record. Councilwoman Steril moved to approve the Resolution, seconded by Mayor Pierre; for discussion. No public discussion. Council voted; passed unanimously.

**TAB M – PROPOSED RESOLUTION APPROVING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI, AS LANDLORD AND OLETA PARTNERS, LLC, AS TENANT, FOR THE PREMISES KNOWN AS “BISCAYNE LANDING”; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THE LEASE AGREEMENT**

Council deleted, no action taken.

**REQUESTS – PETITIONS – COMMUNICATIONS**

**TAB N – DISCUSSION REGARDING THE CITY’S POLICY AS IT RELATES TO INJUNCTIVE RELIEF IN BLUE TARP ROOF ISSUES AND OTHER SIMILAR CODE MATTERS**

Mr. Etienne read the title for the record. Mr. Galdos gave a brief report to Council. Council discussion.

**BISCAYNE LANDING OPEN DISCUSSION**

Public discussion. Michael Swerdlow, Developer, gave a brief report to Council. Council discussion. Steve Johnson, City Manager, gave a brief report to Council. Cliff Schulman, Attorney for the Developer, gave a brief report to Council.

Councilman Galvin moved to grant a 30 day extension for negotiations, seconded by Councilman Blynn; for discussion. Council discussion. Councilman Galvin and Councilman Blynn called the question. Mayor Pierre waived Roberts Rules of Order. Council discussion.

Councilman Blynn moved to grant a 10 day extension. Mr. Schulman and Mr. Swerdlow did not believe 10 days would be enough time but advised an agreement could be made by the next Council meeting provided the city’s negotiating team was made continuously available. Mayor Pierre advised continuously available would mean at least 2 hours a day for a total of 28 hours. Mr. Johnson agreed to the extension. Council voted; passed 4-0. Councilwoman Steril away from the dais.

**CITIZENS’ FORUM**

A variety of residents spoke on issues of interest.

## **COUNCIL REPORTS**

Various items of interest presented by Council.

Councilwoman Steril moved to create a committee to name the Claude Pepper Park Community Center building and to include a designee of Commissioner Jean Monestime, seconded by Mayor Pierre; passed unanimously.

Councilwoman Steril moved to create a committee of three members, one member selected is Commissioner Monestime's designee, one member selected is Council's designee and one member selected is Councilwoman Steril's designee, seconded by Mayor Pierre; passed unanimously.

Mayor Pierre inquired as to why District 2 is always the Vice Mayor during the Presidential election.

## **CITY CLERK'S REPORT**

Mr. Etienne advised Mayor and Council he would work with the City Attorney to propose granting an amnesty for past due outstanding business tax receipts.

Mr. Etienne advised Mayor and Council he is interested in being included/involved in Biscayne Landing negotiations.

Mr. Etienne reminded Mayor and Council of the procedure for appointments to various Boards and requested Mayor and Council provide names and contact information so that potential members can be sent an application by the City Clerk's office and vetted.

## **CITY ATTORNEY'S REPORT**

(NONE)

## **CITY MANAGER'S REPORT**

(NONE)

## **ADJOURNMENT**

Meeting adjourned at 11:03 p.m.